

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK
CENTRAL ISLIP DIVISION**

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In re: Chapter: 13

Bernadette A. Molyneux aka Bernadette A. Case No.: 8-18-75743-las
Castro and Daniel Molyneux, Judge: Louis A. Scarcella

Debtors.

Hearing: November 8, 2018 at 9:30 a.m.

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OBJECTION TO PLAN CONFIRMATION

JPMorgan Chase Bank, National Association (the "Secured Creditor"), by its counsel, McCalla Raymer Leibert Pierce, LLC, states the following grounds as and for an Objection to Confirmation of the Debtors' Chapter 13 plan (the "Plan"):

1. Secured Creditor holds a perfected mortgage on Debtors' real property; the property known as 139 Johns Neck Rd, Shirley, NY 11967 (the "Property"). On October 5, 2006, Bernadette A. Castro (the "Debtor") borrowed \$279,479.00 in exchange for a mortgage on the Property (the "Mortgage"). The Mortgage was recorded prepetition on November 22, 2006 in the Suffolk County Clerk's Office. On October 12, 2010, the Borrower entered into a note and mortgage placing a lien in the amount of \$5,155.02 on the Premises (the "Second Mortgage"). Thereafter, on October 12, 2010, the Borrower entered into a Consolidation, Extension and Modification Agreement ("CEMA") consolidating the Mortgage and Second Mortgage forming a single lien on the Property. The CEMA was recorded by the Suffolk County Clerk's Office on November 19, 2010, in Liber M00022011, Page 473. Secured Creditor anticipates filing a proof of claim with arrears of \$1,618.60 on a total claim of \$240,761.97.

2. The proposed Plan fails to acknowledge or accommodate any arrears due. By failing to address the arrears owed to Secured Creditor, Debtor's proposed Plan fails to provide

for a successful plan of reorganization. As such, Secured Creditor objects to any proposed plan by Debtor that fails to provide a feasible independent plan of reorganization.

3. Secured Creditor objects to any proposed plan by Debtors that fails to provide a feasible independent plan of reorganization.

WHEREFORE, Secured Creditor respectfully requests that the Court deny confirmation of the Debtors' Chapter 13 Plan for the reasons set forth above and for other relief as the Court may deem just and proper.

Dated: October 12, 2018

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